

قانون ساز اسمبلی آزاد جموں و کشمیر

سیکرٹریٹ
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ضمنی ایجنڈا برائے اجلاس قانون ساز اسمبلی آزاد جموں و کشمیر مورخہ 13 اگست 2022ء

﴿مسودہ قانون﴾

مسودہ قانون:-

The Azad Jammu and Kashmir Interim Constitution (Fifteenth Amendment)

Act, 2022.

وزیر قانون و پارلیمانی امور:-

یہ تحریک پیش کرینگے کہ مسودہ قانون:-

The Azad Jammu and Kashmir Interim Constitution (Fifteenth Amendment)

Act, 2022.

ایوان میں پیش کرنے کی اجازت دی جائے۔


(چوہدری بھارت حسین)

سیکرٹری
قانون ساز اسمبلی آزاد جموں و کشمیر

منظر آباد:-
13 اگست 2022ء

اکامران نذیر اعوان

A

Bill

further to amend the Azad Jammu and Kashmir Interim Constitution, 1974

WHEREAS it is expedient further to amend the Azad Jammu and Kashmir Interim Constitution, 1974 (VIII of 1974), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Interim Constitution (Fifteenth Amendment) Act, 2022.

(2) It shall come into force at once and shall be deemed to have taken effect from 01.01.2022.

2. **Amendment in Article 50, (VIII of 1974).**- In the Azad Jammu and Kashmir Interim Constitution, 1974 (VIII of 1974), hereinafter referred to as the Constitution, in Article 50, in sub-Article (7),-

(i) the comma “(,)” after the word “Assembly” shall be substituted by the word “and”; and

(ii) the words “and local government bodies”, shall be omitted.

3. **Amendment in Article 50-A, (VIII of 1974).**- In the Constitution, the existing Article 50-A shall be renumbered as 50-B and before that a new Article 50-A, shall be added as under,-

“50-A Election Commission Local Bodies,- (1) There shall be an Election Commission Local Bodies for Azad Jammu and Kashmir.

(2) The Election Commission Local Bodies shall consist of the Commissioner Local Bodies, who shall act as the Chairman and one member.

(3) The Commissioner Local Bodies and member shall be appointed by the Government.

(4) The Prime Minister after consultation with the Leader of the Opposition in the Assembly shall finalize the nominees for the appointment as Commissioner Local Bodies and member:

Provided that in case of difference of opinion, the matter shall be referred to, and decided by Parliamentary Committee headed by Speaker.

(5) No person shall be appointed as Commissioner Local Bodies unless he has been or is qualified to be appointed as Judge of Supreme Court or High Court or who is or has been a Civil Servant of BPS-21 or above, in the Service of Azad Jammu and Kashmir.

(6) No person shall be appointed as member unless he has been a District and Session Judge or has been an officer of BPS-20 in the Service of Azad Jammu and Kashmir.

(7) It shall be the duty of the Election Commission Local Bodies to organize and conduct election for the Local Government Bodies and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law.

(8) The Election Commission Local Bodies shall have such powers and perform such functions as are conferred on it under the Constitution and Act of Assembly.

(9) At any time when the office of Commissioner Local Bodies is vacant or the Commissioner Local Bodies is absent or unable to

perform the functions of his office due to any cause, the member Election Commission Local Bodies duly appointed shall act as Commissioner Local Bodies for a period not exceeding three months.

(10) Subject to this Article, the Commissioner Local Bodies and member, as the case may be, shall hold office for a term of three years from the day he enters upon his office.

(11) The Commissioner Local Bodies and member shall not be removed from their office without consultation with Leader of Opposition by Prime Minister.

(12) The Commissioner Local Bodies or member may by writing under his hand addressed to Prime Minister, resign from his office.

(13) The Commissioner Local Bodies or member shall not,-

(a) hold any other office of profit in the Service of Azad Jammu and Kashmir or Pakistan; or

(b) occupy any other position carrying the right to remuneration for the rendering of such services.

(14) A person who has held office as Commissioner Local Bodies or member shall not hold any office of profit in the Service of Azad Jammu and Kashmir before expiration of two years after he has ceased to hold that office.

(15) The Election Commission Local Bodies shall perform such functions as may be determined by Act of Assembly.

(16) It shall be the duty of all the executive authorities in the State to assist the Election Commission Local Bodies in the discharge of its functions.

(17) The Commissioner Local Bodies may on the advice of the Prime Minister and with the approval of the President, make rules

providing for the appointment of the officers and servants to be employed in connection with the functions of Election Commission Local Bodies and for their terms and conditions of employment.”

Objectives and Reasons

For establishment of separate Election Commission to organize and conduct election for Local Government Bodies and to ensure that the election is conducted honestly, justly and fairly, the bill titled “The Azad Jammu and Kashmir Interim Constitution (Fifteenth Amendment) Act, 2022” is being presented and introduced for consideration and passage by the Legislative Assembly of Azad Jammu and Kashmir.


Minister

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